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GOVERNMENT OF KERALA

LAW DEPARTMENT

NOTIFICATION

No. 7349/58/Law (B) 4.

Dated, Trivandrum, 13th February 1959.
24th Magha 1880.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 6th February, 1959.

By order of the Governor,
P. D. THOMMEN,
Law Secretary.

ACT 4 OF 1959

THE TRAVANCORE--COCHIN REQUISITIONING AND ACQUISITION OF PROPERTY (AMENDMENT) ACT, 1958.

An Act to amend the Travancore-Cochin Requisitioning and Acquisition of Property Act, 1955.

Preamble.—WHEREAS it is expedient to amend the Travancore-Cochin Requisitioning and Acquisition of Property Act, 1955, for the purposes hereinafter appearing;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Travancore-Cochin Requisitioning and Acquisition of Property (Amendment) Act, 1958.

(2) It shall come into force at once.

2. *Amendment of section 1.*—In section 1 of the Travancore-Cochin Requisitioning and Acquisition of Property Act, 1955 (Act 1 of 1956), hereinafter referred to as the principal Act,—

(i) in sub-section (1), for the words "Travancore-Cochin Requisitioning and Acquisition of Property Act", the words "Requisitioning and Acquisition of Property Act" shall be substituted; and

(ii) for sub-section (2), the following sub-section shall be substituted namely:—

"(2) It extends to the whole of the State of Kerala.".

3. *Amendment of section 2.*—In section 2 of the principal Act, for clause (g), the following clause shall be substituted, namely:—

"(g) 'State' means the State of Kerala;".

GOVERNMENT OF KERALA

LAW DEPARTMENT

NOTIFICATION

No. 5972/56/Law (G) 2.

Dated, Trivandrum, 14th February 1959.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 6th February, 1959.

By order of the Governor,
P. D. THOMMEN,
Law Secretary.

ACT 5 OF 1959

THE KERALA HIGH COURT ACT, 1958.

An Act to make provision regulating the business and the exercise of the powers of the High Court of the State of Kerala.

Preamble.—WHEREAS it is expedient to make provision regulating the business and the exercise of the powers of the High Court of the State of Kerala;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala High Court Act, 1958.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definition.*—In this Act, "High Court" means the High Court of the State of Kerala.

3. *Powers of Single Judge.*—The powers of the High Court in relation to the following matters may be exercised by a Single Judge, provided that the Judge before whom the matter is posted for hearing may adjourn it for being heard and determined by a Bench of two Judges:—

(1) Determining in which of several courts having jurisdiction a suit shall be heard.

(2) Admission of an appeal *in forma pauperis*.

(3) Exercise of original jurisdiction under any law for the time being in force.

(4) Exercise of the powers under section 115 of the Code of Civil Procedure, 1908 and under section 22 of the Kerala Small Cause Courts Act, 1957.

(5) Any matter of an interlocutory character in appeals and other proceedings.

(6) Admission of an appeal presented after the expiry of the period allowed by the law of limitation.

(7) Admission of an appeal from the judgement or order of any criminal court.

(8) Exercise of the power to revise the proceedings of any criminal court:

Provided that in the exercise of such power a Single Judge shall not impose a sentence of death or imprisonment for life.

(9) Exercise of the powers conferred by sections 426 and 498 of the Code of Criminal Procedure, 1898.

(10) Exercise of the powers under—

(i) section 24 of the Code of Civil Procedure, 1908;

(ii) section 526 and section 526A of the Code of Criminal Procedure, 1898;

(iii) clause (1) of article 226 of the Constitution of India except where such power relates to the issue of a writ of the nature of *habeas corpus*; and

(iv) articles 227 and 228 of the Constitution of India.

(11) Exercise of the power under sub-section (2) of section 19 of the Kerala Civil Courts Act, 1957.

(12) A report under section 438 of the Code of Criminal Procedure, 1898.

(13) An appeal—

(a) from a judgement or order of a criminal court, except in cases in which the appellant or a person tried with him has been sentenced to death or imprisonment for life:

Provided that in the exercise of such power a Single Judge shall not impose a sentence of death or imprisonment for life ;

(b) from an original decree or order, where the amount or value of the subject-matter of the suit does not exceed ten thousand rupees;

(c) from an original decree when such appeal relates to costs only;

(d) from an order under section 104 of the Code of Civil Procedure, 1908, except an order of the kind mentioned in clause (h) of sub-section (1) of the said section or in clauses (c), (d), or (j) of Rule 1 of Order XLIII of the First Schedule to the said Code;

(e) from an appellate decree or order;

(f) under section 79 (3) of the Insolvency Act, 1955; and

(g) under section 476 B of the Code of Criminal Procedure, 1898.

4. *Powers of a Bench of two Judges.*—The powers of the High Court in relation to the following matters may be exercised by a Bench of two Judges, provided that if both Judges agree that the decision involves a question of law they may order that the matter or question of law be referred to a Full Bench:—

(1) Any matter in respect of which the powers of the High Court can be exercised by a Single Judge.

(2) An appeal—

(a) from a decree or order of a civil court, except those coming under section 3;

(b) from the judgement of a criminal court in which a sentence of death or imprisonment for life has been passed on the appellant or on a person tried with him.

(3) A reference—

(a) under section 113 of the Code of Civil Procedure, 1908;

(b) under section 307, section 374 or section 432 of the Code of Criminal Procedure, 1898.

(4) An application under Rule 2 of Order XLV of the First Schedule to the Code of Civil Procedure, 1908.

(5) An application for the exercise of the powers conferred by section 491 of the Code of Criminal Procedure, 1898 or by clause (1) of article 226 of the Constitution of India where such power relates to the issue of a writ of the nature of *habeas corpus*.

(6) An appeal from any original judgement, order or decree passed by a Single Judge.

(7) All matters not expressly provided for in this Act or in any other law for the time being in force.

5. *Appeal from judgement or order of Single Judge*.—An appeal shall lie to a Bench of two Judges from a judgement or order of a Single Judge in the exercise of original jurisdiction. An appeal shall lie to a Bench of two Judges from a judgement of a Single Judge in the exercise of appellate jurisdiction in respect of a decree or order made in the exercise of appellate jurisdiction by a subordinate court, where the Judge who passed the judgement declares that the case is a fit one for appeal.

6. *Cases to be heard by Full Bench under direction by Chief Justice*.—Notwithstanding anything contained in this Act, the Chief Justice may direct that any matter be heard by a Full Bench.

7. *Procedure on reference to Full Bench*.—When a question of law is referred to a Full Bench, the Full Bench may finally decide the case or return it with an expression of its opinion upon the question referred for final adjudication by the Bench which referred the question or, in the absence of either or both of the referring Judges, by another Bench.

8. *Powers of Vacation Judge.*—(1) During the adjournment of the High Court the Chief Justice shall nominate a Single Judge of the High Court for the hearing of all matters which require to be immediately or promptly, dealt with and such Judge shall have all the powers of the High Court, except in cases in which such power must be exercised under the provisions of any law by more than one Judge.

(2) It shall be competent for the Chief Justice during any such adjournment of the High Court to constitute a Bench of two Judges or a Full Bench for the hearing of any case.

9. *Repeal.*—The provisions of the Travancore-Cochin High Court Act, 1125, (V of 1125), in so far as they relate to matters provided in this Act, shall stand repealed.